

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Ebony Crystal Malcom

Plaintiff,

CASE NUMBER: 14-10125

HONORABLE VICTORIA A. ROBERTS

v.

Cathy M. Garrett

Defendant.

ORDER

Ebony Crystal Malcom (“Plaintiff”) filed a suit in this Court alleging Wayne County Clerk, Cathy M. Garrett (“Defendant”) violated her First Amendment. While claiming that her First Amendment rights have been violated, she has failed to specify how they were violated. Plaintiff alleges that in an earlier action, she filed an affidavit with Defendant outlining a demand for dismissal. The affidavit stated that Defendant had 30 days to rebut this affidavit, otherwise it would be deemed true and correct at law. Plaintiff says that because her affidavit was not rebutted, she was entitled to summary dismissal. However, Defendant failed to dismiss the case.

Plaintiff failed to pay the filing fee; she requests *in forma pauperis* status. Even if the Court granted Plaintiff *in forma pauperis* status, her claim would be dismissed.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the court may dismiss any action filed *in forma pauperis* that is factually frivolous, is malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from suit. Factual frivolousness includes allegations that are “clearly baseless,” “fantastic,” or “delusional.” *See Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989).

Plaintiff's Complaint is frivolous pursuant to Section 1915(e), as it is both fantastic and delusional.

Plaintiff's complaint is **DISMISSED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: February 11, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record and Ebony Malcolm by electronic means or U.S. Mail on February 11, 2014.

s/Linda Vertriest
Deputy Clerk